FBI Guidelines on Inquiries Faulted

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Proposed Justice Department guidelines to control domestic security investigations would validate FBI practices similar to those used in its now-discarded Cointelpro operations, members of a House subcommittee charged yesterday.

The guidelines, now being prepared by Attorney General Edward H. Levi, are vague and give FBI agents too much leeway to initiate domestic security investigations and take "preventive action," the House Judiciary members complained.

Reb. Herman Badillo (D-N.Y.) charged that the proposed guidelines would give "the sanction of respectability" to tactics such as those used by the FBI against the late Rev. Martin Luther King Jr. and his Southern Christian Leadership Conference.

The guidelines are being drafted in response to disclosures that the FBI infiltrated dissident groups, sought to embarrass their leaders, and occasionally tried to disrupt their operations.

One proposed regulation would permit FBI agents to open domestic security investigations when informed that groups intend to violate federal law for such purposes as impairing government functions or interrupting interstate comnerce, when force and violence will be involved.

Badillo charged yesterday that the language could embrace a group of his constituents who planned to occupy a federal office to protest discontinuance of a drug-control program. The regulations would empower agents in such a case to begin interviewing participants and placing some under physical surveillance.

Mary C. Lawton, director of the Justice Department's Office of Legal Counsel, later told reporters such an example could trigger a preliminary investigation, but the threat of violence sounded so small she doubted that an agent would deem it necessary.

The House Judiciary subcommittee heard testimony on the proposed guidelines from Levi and FBI Director Clarence M. Kelley.

Kelley said authority to initiate investigations was vital to avert domestic security threats, such as acts of terrorism.

"The ability of government to prevent criminal acts threatening domestic security is dependent on our anticipation of their occurrence," he said. "Anticipation, in turn, is dependent on advance information — that is intelligence."

Rep. Don Edwards (D-Calif.), chairman of the subcommittee, said the guidelines appeared to permit FBI investigations identical to those launched in August, 1970, against black student groups and Students for a Democratic Society.

The guidelines have been changed in some respects from those first disclosed to a Senate committee a month ago. The FBI, with the Attorney General's approval, still could launch "preventive action" measures to avert a federal crime involving violence. But certain specific measures the FBI once used would be prohibited — for instance, disseminating information to ridicule an individual, as was circulated against Mr. King.

Lawton said after the hearing that the final guidelines would not be completed until next year. Some will be statutory regulations requiring congressional action and others will be executive orders and administrative regulations, she said.